

I. Overview

Claims 16-75 are pending. Applicant has cancelled claim 34 and amended claims 16, 20, 33, and 42.

The Examiner rejected the claims as shown in the following table. Applicants respectfully traverse each of these rejections below.

Statute	Claims	Reference(s)
35 U.S.C. § 102(e)	16-17 and 19	Morrison (6,601,238)
35 U.S.C. § 103(a)	18	Morrison and Sumita (6,581,207)
35 U.S.C. § 102(e)	20-21, 23-30, 32-37, 39, 41-42, and 44	Rangan (6,493,872)
35 U.S.C. § 103(a)	22 and 31	Rangan and Abrams (6,625,812)
35 U.S.C. § 103(a)	38	Rangan and Krewin (2002/0078444)
35 U.S.C. § 103(a)	40	Rangan and Swix (6,718,551)
35 U.S.C. § 103(a)	43	Rangan and Srinivasan (6,357,042)
35 U.S.C. § 102(e)	45-48, 52-55, 57, 62-64, 66-69, and 71	Lowthert (2002/0095674)
35 U.S.C. § 103(a)	49-50, 65, and 70	Lowthert and Logan (7,055,166)
35 U.S.C. § 103(a)	51 and 61	Lowthert and Hejna
35 U.S.C. § 103(a)	56	Lowthert, Sumita, and Bhagavath (6,829,781)
35 U.S.C. § 103(a)	58	Lowthert and Rangan
35 U.S.C. § 103(a)	59	Lowthert and Abrams
35 U.S.C. § 103(a)	60	Lowthert, Abrams, and Rangan
35 U.S.C. § 102(e)	72-74	Hejna (6,598,228)
35 U.S.C. § 103(a)	75	Hejna and Logan

II. Rejections over Morrison

Morrison describes an electronic program guide that receives from a user a scheduled showing of a television program and allows the user to find other scheduled showings of the television program. For example, if the user selects ESPN SportsCenter showing on Monday at 5 P.M. on ESPN, then Morrison allows the user to easily find another scheduled showing at Tuesday at 5 P.M. without having to scroll through the electronic program guide. Similarly, the user can search for showings of a program by, for example, entering the name of the program. However, Morrison does not describe any kind of manipulation of the television program content.

In contrast, applicant's technology that is the subject of claims 16-19 is related to finding portions within a television program that are of interest to the user, and then skipping within the television program to view those portions. Applicant's technology finds portions of a television program based on metadata that describes where various events within the program occur. For example, if the user is watching a recorded baseball game, the user may search for homeruns and applicant's technology finds and renders the homeruns within the television program.

Applicant has amended the claims to more explicitly recite this aspect of the invention. Claims 16-19 as amended recite "wherein the meta data identifies portions within the television program having certain characteristics" and "identifying one or more portions of the television program based on the received meta data." Morrison describes a guide and does not describe any operation involving portions of a television program itself. In particular, Morrison does not describe identifying portions of a television program based on meta data." Accordingly, applicant respectfully requests that these rejections be withdrawn.

III. Rejections over Rangan

Rangan describes creating an enhanced multimedia stream having a video data stream and an annotation data stream. The enhanced stream is created by a content author that adds text, pictures, or other enhancements to a video stream. The enhanced stream is then transmitted to viewers for viewing. Rangan does not describe receiving data, such as comments, from viewers of the enhanced stream.

In contrast, applicant's technology of claims 20-44 receives comments from viewers of media, such as a television program, and shares the comments with other viewers of the media. Claims 20-23 recite "a comment handler, coupled to the storage device, to: receive comments corresponding to the media content from a plurality of different sources that have viewed the content" and "make the stored plurality of comments available to devices rendering the media content." The Examiner appears to equate the annotations described

by Rangan with applicant's comments. However, the annotations are added by the content authors before the content is ever sent to a viewer: "[t]he overall purpose of the authoring station is addition of innovative material to the video data stream...to allow a viewer at a computerized end station to access advertisements and other data which may be associated with individual entities in the video presentation." Rangan, col. 6:6-12. Whatever data is added by the authors is shown in the same way to every viewer of the content. The viewers are not able to contribute comments and comments from one viewer are not shared with another viewer.

Each of the claims rejected over Rangan recite similar features. Claims 24-28 recite "allowing comments to be made by a plurality of viewers" and "making the comments available to subsequent viewers." Claims 29-32 recite "receiving comments regarding the multimedia content from a viewer of the content" and "allowing the comments to be accessed during subsequent playback of the stored multimedia content." Claims 33-41 recite "wherein the using comprises using the synchronization point as a reference point for a comment received from a viewer of the multimedia program, the comment for sharing with other viewers of the multimedia program." Claims 42-44 recite "receiving from a viewer at the client computing device comments related to the media content for sharing with other viewers of the media content." Rangan fails to teach each of the elements of these claims. Accordingly, applicant respectfully requests that these rejections be withdrawn.

IV. Rejections over Lowthert

The filing date of Lowthert predates applicant's filing date by only 13 days. Applicant has attached a declaration in accordance with 37 C.F.R. 1.131 that demonstrates a date of invention of the subject matter of claims 45-71 prior to the filing date of Lowthert. Accordingly, applicant respectfully requests that these rejections be withdrawn.

V. Rejections over Hejna

Hejna describes a system for controlling the rate of a playback of multimedia at a viewer's device. For example, a broadcaster may indicate that a particular program should be viewed at full speed. Hejna also describes speed credits whereby a viewer can speed up a video but loses credits each time he does so. When the credits are gone, the user can no longer speed up the video. Hejna does not describe disabling a control for skipping based on identifying a portion of a multimedia program as a commercial.

In contrast, applicant's technology of claims 72-74 disables a control for skipping content when a commercial within a multimedia program is being rendered. Claims 72-74 recite "disabling, while the one or more portions that include commercials are being rendered, a control of the device that allow one or more portions of the program to be skipped." Hejna does not describe disabling a control during a commercial. The user interface described by Hejna receives the user's input and then determines what the effect of the users input will be based on the credits available. Although Hejna may at times prevent a user from fast forwarding during a commercial, Hejna does so by passing the user's input to the speed credit component and then responding in different ways (e.g., by time-scaling the video or not) based on the number of credits available. This is not the same as disabling a control based on the content. As described by applicant's specification, in one embodiment the control is disabled such that other components of the system do not receive input from it: "[t]he user interface component would then simply ignore any skip or fast forward inputs until informed by controller 1870 that it is once again acceptable to receive skip or fast forward inputs." Specification, paragraph 81.

To anticipate a claim, the reference must teach every element of the claim. Hejna fails to teach disabling a control that allows skipping during a commercial. Accordingly, applicant respectfully requests that these rejections be withdrawn.

VI. Conclusion

Based upon these remarks and amendments, Applicants respectfully request reconsideration of this application and its early allowance. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 359-3265. Applicants believe all required fees are being paid in connection with this response. However, if an additional fee is due, please charge our Deposit Account No. 50-0665, under Order No. 418268854US from which the undersigned is authorized to draw.

Dated:

5/25/2007

Respectfully submitted,

By


J. Mason Boswell

Registration No.: 58,388

PERKINS COIE LLP

P.O. Box 1247

Seattle, Washington 98111-1247

(206) 359-3265

(206) 359-4265 (Fax)

Attorney for Applicants